UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL ACTION NO. 1:19-CV-163-MOC-WCM

MELISSA DAWN SMILEY,)	
Plaintiff,)	
Vs.)	ORDER
ANDREW SAUL, Commissioner of Social Security Administration,))	
Defendant.)	

THIS MATTER is before the Court on plaintiff's Motion for Fees under the Equal Access to Justice Act. (Doc. No. 20). The Court enters the following Order, pursuant to its authority to award fees to a prevailing party, other than the United States, incurred by that party in a civil action against the United States under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)(1)(A), and in light of this court's Order (Doc. No. 18) and Clerk's Judgment (Doc. No. 19) remanding this case to the Commissioner for further proceedings. The Court notes that Defendant Commissioner consents to the relief sought in this motion.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Fees Under the Equal Access to Justice Act is **GRANTED**, and Plaintiff is hereby awarded attorney's fees in the amount of \$2,817.75, which the Court finds to be reasonable and full satisfaction of any and all attorney's fee claims plaintiff may have in this case under the EAJA.

Pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first. If any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the government will pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Signed: October 6, 2020

United States District Judge

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